



# City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT  
AND RECOMMENDATION TO THE SUPERINTENDENT OF SEATTLE CITY LIGHT**

**Application Number:** 2300368  
**Applicant Name:** Gary Abrahams for T-Mobile Wireless  
**Address of Proposal:** 5037 16<sup>th</sup> Ave NE

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for future construction of a minor communication utility (T-Mobile). The proposed minor communication utility would consist of three (3) panel antennas located within the right-of-way (alley) atop a City Light utility pole. An associated forty-four (44) square foot electrical equipment cabinet is proposed to be located on private property within an existing garage.

The following Master User Permit components are required:

- **Siting Recommendation to Superintendent of Seattle City Light** – Chapter 23.57.10-C2
- **ACU – Administrative Conditional Use** – Chapter 23.57.10-C2
- **SEPA - Environmental Determination** – Chapter 25.05, Seattle Municipal Code (SMC)

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

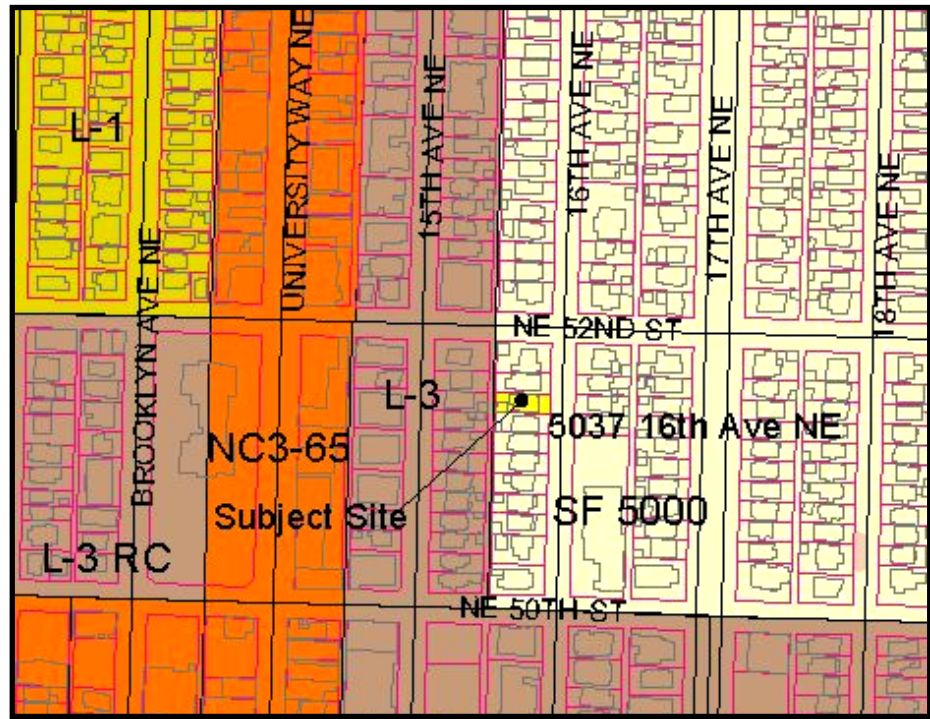
☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

## **BACKGROUND INFORMATION**

### **Site and Vicinity Description**

The site is in The University District area of Seattle located between 15<sup>th</sup> and 16<sup>th</sup> Ave NE just south of NE 52<sup>nd</sup> St. The proposed utility pole is to be located in alley right of way west of the subject site in the Lowrise 3 (L3) zone and approximately twelve (12') to thirteen (13') feet from the Single-Family zone directly east. The mechanical equipment is proposed to be located completely within the



existing two-car garage on the lot, with one parking place being eliminated, one remaining and two surface parking spaces proposed. Vehicle access to the garage is via the adjacent improved concrete fourteen foot (14') alley. Zoning in the area is of mixed nature. To the east is a large Single Family (SF 5000) zone which is bounded by NE 50<sup>th</sup> (south), the subject site's alley (between 15<sup>th</sup> and 16 Ave NE (west)), 22<sup>nd</sup> Ave NE (east) and continues north through Ravenna Park. To the west, zoning consists of Lowrise Three (L3), Neighborhood Commercial Three (NC3-65) and Lowrise Three Residential Commercial (L3-RC) and Lowrise 1 (L1) moving west respectively. To the south, properties are zoned Lowrise Three (L3) (southeast) and Neighborhood Commercial Three (NC3-65) (southwest).

### **Proposal Description**

The applicant proposes a Minor Communications Utility facility consisting of three (3) panel antennas to be flush mounted with a new pole height of 56'-2" and a new pole width of 21" by 20" inch "Glulam" pole (SCL Pole # 048-SW-022). The new utility pole would be painted brown to resemble the other utility poles in the area. The associated electronic equipment cabinet will be located inside a garage as previously stated. The connecting cables to the external antennas will be buried underground and concealed inside the utility pole. In addition to the width of the pole, a "wooden chase" conduit housing measuring 6" by 20" would be attached to the pole in order to house the three required four inch (4") conduits, a two inch (2") power conduit, and a two inch (2") telco conduit, for a total of five (5) conduit wires in the said housing. The new laminated utility pole will replace the existing utility pole at the same location in the alley. The height of the existing utility pole to be replaced is thirty-nine feet (39'). The

height of the new laminated utility pole would be 56'-2", measured to the top of the antenna. The size of the proposed equipment cabinet is approximately forty-four (44) sq. ft. and would be placed in the garage, effectively reducing the garage to a one-car capacity. The equipment for the facility would be accessed via the fourteen foot (14) alley from NE 52<sup>nd</sup> St. The pole will be located approximately 74' north of the subject mechanical equipment as the coax conduits will be run underground across the alley and then north to the proposed location of the pole.

### Comments

The comment period ended on April 4, 2003 and during the comment period no comment letters were received. One phone call was received concerning process and application requirements for the Master Use Permit. After the comment period expired, one comment letter was received, which showed support for the construction of the minor communication utility in order to better provide cellular coverage for the surrounding area.

Also, a public meeting was held by the proponents on February 10, 2003, which was not well attended. The applicant submitted a mailing list (300'), a mailed meeting agenda packet and the meeting sign up sheet, which are all located in the project file. The meeting was attended by five (5) T-Mobile employees and one member of the public.

### **ANALYSIS - SITING RECOMMENDATION TO SUPERINTENDENT OF SEATTLE CITY LIGHT & ACU FOR MECHANICAL EQUIPMENT ASSOCIATED WITH MINOR COMMUNICATION UTILITIES**

The Street and Sidewalk Use Chapter of the Seattle Municipal Code allows Class II Special Attachments (minor communication utilities) to be placed on utility poles owned by Seattle City Light that are located on public rights of way. Class II Special Attachments are specifically regulated by SMC Section 15.32.300. This Section allows for minor communication utilities, or other Class II Special Attachments, to extend above the electrical facilities (wires) on top of an existing pole, or the replacement of an existing pole to achieve adequate height for the applicant's purposes. Section 15.32.300 further requires that all costs of such replacements be borne by the communications provider, and that the visual impacts of minor communication utilities and other Class II Special Attachments shall be reduced to a degree acceptable to the Superintendent of City Light.

Where a request for Class II attachment is made, and the proposed location is on either an arterial or a non-arterial street located within a Lowrise Three (L3) zone, the applicant shall apply to DPD and pay for an attachment siting review and recommendation consistent with the application, fee, notice, timeline and criteria for an Administrative Conditional Use (ACU) permit. The DPD recommendation shall be advisory to the Superintendent of City Light. The specific ACU criteria can be found in SMC Section 23.57.011, subsection B. The criteria, which must be satisfied in order for the proposal to receive a positive recommendation from DPD, are as follows:

1. *The proposal shall not be significantly detrimental to the residential character of the surrounding residentially zoned area, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The proposal includes a “Glulam” utility pole to be located in the alley between 15<sup>th</sup> and 16<sup>th</sup> Ave NE rights of way and associated mechanical equipment to be located within a nearby single family garage. The area of the pole location is zoned Lowrise Three (L-3) and the area of the associated mechanical equipment location is zoned Single Family 5000 (SF 5000). The height of the utility pole, including the antennas, would be 56’-2” and would replace an existing 39’ tall utility pole. The antennas would be flush mounted to the pole and painted to match the color of the proposed “Glulam” pole. All conduits (cables) would be concealed within an attached 6” by 20” “wooded chase” attached to the proposed “Glulam” pole.

The applicant stated in the original application zoning analysis document, “...there were no viable institutional buildings or willing landlords in the area.” The applicant’s submitted search ring is bounded by 15 Ave NE (west), 19<sup>th</sup> Ave NE (east), NE 47<sup>th</sup> St (south), and NE 52<sup>nd</sup> St (north). The search ring is completely within residential zones (L3 and SF 5000). In a correction response, the applicant states that a site outside the search ring area would not work, as it would be too close to existing sites, and or it would not satisfy the coverage objective and as a result, additional antennas would be required to complete the coverage objective.

Further, the applicant states in the correction response that three alternative sites were sought prior to the proposed location. The Winridge Apartment building was a candidate for siting but an agreement could not be reached, as the landlord requested improvements to the property in addition to the standard monetary compensation. The second candidate was a home located at 5214 17<sup>th</sup> Ave NE and a community meeting was held on September 6, 2002. The meeting yielded much community opposition as the site was in a single family zone. The third site that was considered was the Lutheran Church located at 1604 NE 50<sup>th</sup> St, which “was not interested in leasing to T-Mobile.”

Aspects of the proposal would have minimal visual impacts to the residential character of the surrounding single family and lowrise zones and neighborhood, as would any increase in height of a utility pole. The associated conduit cables which are proposed to be concealed inside the “Glulam” utility pole will not be detrimental to the character of the surrounding single family or lowrise neighborhoods. The proposed 56’-2” utility pole and cellular antennas will have some limited detrimental effects to the visual character of the surrounding residential neighborhoods, for the following reasons:

1. The proposed “Glulam” utility pole would be 17’-2” taller than the existing utility pole.
2. The proposed “Glulam” utility pole design has both a shape and overall bulk that is rectangular, and is proportionally somewhat bigger than of a typical round wood utility pole, as the overall bulk of the pole with the “wooden chase” attachment would bring the pole to an overall dimension of approximately 27” by 20”.

3. The proposed antennas and the antenna flush mounting design are atypical of other equipment, including transformers, located in residentially zoned public rights-of-way. Specifically, the height of the flush mounted antennas would make them highly visible. This is largely due to the fact that the proposed antenna would be located above the existing utility lines and would be 17'-2" taller than the existing utility pole.

As proposed, the minor communications utility will constitute only a minimal visual intrusion to the existing residential character of the surrounding neighborhood. The minimal visual impact that would be created by the proposed minor communication utility has some mitigating factors which deserve discussion:

1. The location of the proposed utility pole is to be located in an alley, which is near an arterial street (15<sup>th</sup> Ave NE). The alley location provides a buffer area from the adjacent rights-of-way and the readily used pedestrian walkways, which minimizes the pole's visual impact created by the additional height.
2. A tree located in close proximity to the proposed pole provides a natural element backdrop, which introduces a blending, transitional and mitigating factor. The tree is located approximately ten (10') to fifteen (15') west of the pole location and is of similar height in comparison to the proposed pole height. Its branch system is of significant bulk and provides good masking to the proposed utility pole height.
3. The proponent proposes to paint the exterior antennas to match the proposed brown color of the "Glulam" pole which will provide a similar look to surrounding utility poles in the area.
4. There are existing poles in the area with attached transformer and conductor equipment that have similar heights as the proposed pole. The existing pole (SCL # 048-SW-023) directly south, approximately 124' of the subject pole is approximately 43'\* in height and the pole (048-SW-021) directly north approximately 108' of the subject pole is 52'\* feet in height. The proposed pole at 56'-2" feet, while somewhat taller than the existing pole, will not be out of character with the neighborhood because of the existing heights of the poles detailed above.
5. The site in which the proposed pole is located is in close proximity to a single family zone, but does not function as a typical single family zone. The surrounding single family area is predominantly used and functions as a rental, congregate residence, and multiple unit structured neighborhood, serving the University of Washington's student and Greek system fraternity housing needs. This aspect of this specific single family zone and area provides a basis to look at this area as functioning more as a lowrise zone, although it is zoned single family.

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\* City of Seattle GIS data shows the pole lengths (Pole ht.) as the actual length of the pole including the portion of the pole below grade. Seattle City Light construction standard (below grade) requirements for pole depth for utility poles is as follows: [10% of pole length plus (+) two (2') feet]. Pole # 048-SW-023 is a total length of 50' (x 10% + 2') = 7' below grade and a height from grade of 43'. Pole # 048-SW-021 is a total length of 60' (x 10% + 2') = 8' below grade and a height from grade of 52'.

In summary, the proposed utility pole has some inherent impacts that would be associated with any increase in height of a utility pole. The flush mounted antenna structures are similar in shape and bulk to existing utility pole elements (transformers, conductors, and distribution arms). While the newly proposed utility is noticeable, the flush mounted antenna structures do not constitute a significant detrimental impact to the residential character of the residentially zoned area. In relation, some or most of the surrounding single family area is used for University of Washington housing and functions more as a lowrise zone as stated above. The height of the proposed pole is not significantly taller than poles directly south or north and as a result is not significantly detrimental to the residentially zoned area. Lastly, the tree in close proximity to the proposed pole provides a masking and transitioning effect.

2. *The visual impacts that are addressed in Section 23.57.016 shall be mitigated to the greatest extent practicable.*

The only provision contained with SMC Section 23.57.016 that applies to the proposal is subsection J. However, even that subsection applies to freestanding transmission towers. Technically, utility poles are not freestanding transmission towers. However, the similarities of the two warrant consideration of subsection J, which reads as follows:

*SMC 23.57.016-J*

*Freestanding transmission towers shall minimize external projections from the support structure to reduce visual impacts and to the extent feasible shall integrate antennas in a screening structure with the same dimensions as external dimensions of the support structure, or shall mount antennas with as little projection from the structure as feasible. External conduits, climbing structures, fittings, and other projections from the external face of the support structure shall be minimized to the extent feasible.*

The applicant has attempted to demonstrate compliance with Section 23.57.016 by proposing the installation of a 21" by 20" "Glulam" pole. The "Glulam" pole has an attached "wooden chase," which has a dimension of 6" by 20" and is designed to conceal electrical cable conduits to run internally through. The dimension of the "Glulam" pole with the "wooden chase" attachment will be approximately 27" by 20". The applicant has also proposed to paint the utility pole and the antennas the same color as the proposed pole (brown) in an attempt to match the existing utility poles in the area with the proposed "Glulam" pole and minor communication utility.

The antenna's flush mount is proposed to have a rounded like shape with the antennas proposed to be slightly tilted downward and project beyond the line of the pole approximately one foot. There are no climbing structures associated with the proposed pole, the existing transformer and distribution arm projections are to remain and are considered existing conditions as their positions on the proposed pole are not changing. The proposed pole is designed to reduce external projections with the wooden chase attachment.

It shall be noted that the original application showed a shroud antenna housing that was designed in a way that brought the antennas closer to the pole and minimized the projection from the pole. Seattle City Light separation and primary power wire height requirements required that the antennas be raised to a top of antenna height of (62'3"). In order to mitigate the large change in

height requirement, the applicant revised the application to have flush mounted antennas, thus reducing the cumbersome bracketing and related shroud which all must be separated from the primary power line on the pole. As a result, the current application meets Seattle City Light separation requirements and the height is within the context of the neighboring poles as explored above.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*
  - i. *the antenna is at least one hundred feet (100') from a MIO boundary; and*
  - ii. *the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay, therefore this provision is not applicable.

4. *If the minor communication utility is proposed to exceed the permitted height of the zone, the applicant shall demonstrate the following: (i) The requested height is the minimum necessary for the effective functioning of the minor communication utility, and (ii) Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive utilities is not technically feasible.*

The proposed antennas will be on a laminated wood utility pole. The proposed minor communication facility would be fifty-six (56'-2") feet high (measured to the top of the antennas) and exceeds the thirty (30') feet height limit of this Lowrise Three zone. However, at fifty-six (56'-2") feet in height, the proposed laminated "Glulam" utility pole would cause some minimal view blockage and shadow impacts in the area because of the height of the proposed pole. As stated earlier, the tree in close proximity to the proposed pole and alley location provide mitigating relief from the shadow and view impacts.

Due to the operational characteristics of the facility proposed, a clear line of site from the antennas in the system throughout the intended coverage area is necessary to ensure the quality of the transmission of the digital system. The strict application of the height standards would compromise the applicant's from providing wireless services for the intended coverage area, which includes the University of Washington's Greek Row, associated residential neighborhood and surrounding commercial and pedestrian area on University Way NE. According to the document submitted by the applicant, the L3 alley proposed pole site was chosen because of its location, as the search ring for the new utility was entirely within the single family zone, east of the subject alley and the L3 zone to the west and south. Per the applicant, the requested height is the minimum acceptable to provide the needed coverage and with respect to neighboring cell sites.

Seattle City Light (SCL) has specific construction guidelines (Standard # D2-1.2) for separation requirements from power lines. The requested height increase appears to be the minimum necessary for the effective functioning of the minor communication utility and for the required

separation guidelines of SCL. The voltage (approximately 26,000 volts or 26kb) of the subject pole lines and conductors requires a 7'-1" separation from all antennas and attachments (including bracing brackets for antenna mounting). The application proposes a 7'-1" conductor to antenna bracing bracket separation which is required per Seattle City Light guidelines. The flush mounted antennas are six feet (6') in height and when added to the 7'-1" power separation requirement, the total difference in height from the top of the primary power line to the top of the antennas is proposed to be 13'-1".

There are commercial properties and structures that may have been possible alternative locations if the elevation of the commercial zone was at a comparable elevation level to the subject site. The said neighborhood commercial zone is approximately (10'-15'+) lower in elevation than the propose location, is out of the functional search ring area, and would require a substantial increase in height. Further, the possible commercial zone locations are located away from the desired coverage area and additional utility locations would be needed to meet the coverage objective. It is noted that smaller numerous minor communication utilities may always be an alternative. The possible alternative's success is contingent upon the proposed locations being in line with effectively closing the coverage gap of service and not causing similar visual impacts due to height needs for effective service in multiple locations as would be the case due to the commercial zone's lower elevation. The proposed pole is located in an alley, near a substantial tree of equal height, which provides masking, shading and shadow mitigation to the surrounding neighborhood. As proposed, the site would create less visual obtrusiveness than a greater number of separate sites, as the likely sites are opposite from the target coverage area and in turn would create the same or similar visual detriment in multiple locations.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

According to the information received by DPD, the applicant proposed coverage area is the University of Washington's Greek Row and adjacent commercial zone on University Way NE. The terrain, foliage, nearby structures and distance between other wireless communication facilities influenced the applicant's decision to try to locate the proposed minor communication utility in the alley between 15<sup>th</sup> Ave NE and 16<sup>th</sup> Ave NE at the north end of the fourteen (14') foot wide alley. This intended coverage area has a notable terrain drop to the west.

Radio frequency coverage maps were submitted by the proponent showing before and after coverage of the area with and without the proposed utility. The maps show a gap in urban indoor, in-vehicle, and residential service between two existing T-Mobile installations as noted on the radio frequency coverage maps submitted with the application (UW Bookstore 4326 University Way NE and Ravenna Wine 6500 Ravenna Avenue NE).

### **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE**

*a. The proposal shall not be significantly detrimental to the residential character of the surrounding residentially zoned area, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

Visual impacts related to the proposed mechanical equipment will not be significant as the equipment will be housed in an existing garage on the subject site and will not be visible to the surrounding residential area. The single family structure is required to have one (1) parking place per zoning requirements; the home currently has a two car garage and area to provide two more spaces north of the subject garage. The proposal is to take away one (1) parking place within the garage with one (1) space to remain and two additional surface parking spaces proposed outside of the garage.

The noise associated with the proposed radio cabinet fans was addressed in the submitted noise analysis by SSA Acoustics concluded that the “predicted sound level produced by the proposed radio cabinet fans at the closest south property line is predicated to be about 43dBA which is below the SMC maximum permissible level of 45dBA. The resulting sound level values at the closest property line are based on the ‘worst case’ of sound propagation from the side of the fan enclosure while operating. Additional attenuation will be achieved at the site from objects like a wooden fence within the sound path.” As a result of the said noise report and analysis, the noise associated with the radio cabinet fans is in concurrence with the above criteria and City of Seattle Municipal Code (SMC), 25.08 Noise Control. The proposed equipment is to be located in a detached garage in rear yard of the subject site, will be in concurrence with the said City of Seattle Noise Control standards, contingent upon the applicant meeting the sound dampening techniques described in the noise report. Treatment of the ceiling and western hollow core door is required. As a result of compliance with the above sound dampening techniques, the noise impacts to the residential character from the proposal will be properly mitigated and minimized.

The proposed mechanical equipment will be compatible with other uses allowed in the zone as the garage will still function as a garage to house one car and will appear as a normal garage structure from the exterior. The traffic expected from the proposal is expected to have a minimal impact as the proposal is proposed to be unmanned and will require minimal maintenance and as a result minimal traffic impact. During the remodel, traffic will be minimal as the scope of work doesn’t require large service vehicles, substantial building materials or staging areas. No dwelling units will be displaced as a result of the proposal.

*b. The visual impacts that are addressed in Section 23.57.016 shall be mitigated to the greatest extent practicable.*

No section from 23.57.016 applies to the subject proposal, therefore no analysis is required.

- c. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*
- (i) *The antenna is at least one hundred (100) feet from a MIO boundary, and*
  - (ii) *The antenna is substantially screened from the surrounding neighborhood's view.*

The proposal is not within a Major Institution Overlay.

- d. *If the proposed minor communication utility is proposed to exceed the permitted height of the zone, the applicant shall demonstrate the following:*
- (i) *The requested height is the minimum necessary for the effective functioning of the minor communication utility, and*
  - (ii) *Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive utilities is not technically feasible.*

The proposed mechanical equipment is not proposed to exceed the height of the zone.

- e. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The mechanical equipment is not a new freestanding transmission, therefore this section does not apply to the proposal.

- f. *If the proposed minor communication utility is for a personal wireless facility and it would be the third separate utility on the same lot, the applicant shall demonstrate that it meets the criteria contained in subsection 23.57.009 A, except for minor communication utilities located on a freestanding water tower or similar facility.*

This is the first utility proposed on the lot and as a result this section does not apply.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated February 18<sup>th</sup>, 2002. Information in the checklist was supplemented by the other materials. The information in the checklist, supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) states, in part, "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Thus, the mitigation that may be required pursuant to SEPA authority is limited. A discussion of likely adverse impacts and how they may be appropriately mitigated follows below.

#### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant pursuant to SMC 25.05.794. Noise related the replacement of the pole, re-guiding of power lines, and other related construction noise will have an adverse affect on the surrounding residential are and proper conditioning related to allowable construction hours is warranted.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

#### Land Use

The Seattle Land Use Code and the Street Use Code specifically contemplate and regulate the location of minor communication facilities. The administrative conditional use criteria found in SMC 23.57 adequately mitigates potential adverse impacts of siting telecommunication antennas where they could be permitted in Single Family Zones whether a proposal requires the ACU for location on private property or requires a siting review and recommendation to the Superintendent of City Light. Therefore, the proposal does not warrant conditioning pursuant to the SEPA Land Use Policy 25.05.675 J.

#### Electro-magnetic Radiation (EMR)

The City of Seattle, in conjunction with Seattle King County Department of Public Health, has determined that Personal Communication Systems (PCS) operate at frequencies far below the Maximum Permissible Exposure standards established by the Federal Communications Commission (FCC) and therefore, pose no threat to public health. Additionally, the FCC has pre-empted State and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions.

#### Summary

In conclusion, while there may be several adverse effects on the environment resulting from the proposed development, they would be minor in scope and would be appropriately regulated by existing codes and ordinances. No further conditioning is warranted.

### **SITING RECOMMENDATION TO SUPERINTENDENT OF SEATTLE CITY LIGHT**

Based on the above analysis the Director of the Department of Planning and Development recommends to the Superintendent of Seattle City Light to **approve** the application to install a minor communication utility on Seattle City Light pole in the public right-of-way (alley) in a residential zone.

### **DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT**

The application for an administrative conditional use is **CONDITIONALLY GRANTED.**

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT**

#### **Prior to building permit final inspection**

1. Treatment of the mechanical equipment housing (garage) ceiling and western hollow core door is required per the submitted noise report, which must be submitted with the building permit application.

### **CONDITIONS – SEPA**

#### **During Construction**

2. The hours of construction activity shall be limited to non holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DCLU to allow work of an emergency nature or allow low noise work.

Signature: (signature on file) Date: March 25, 2004  
Lucas DeHerrera, Land Use Planner  
City of Seattle Department of Planning and Development  
Land Use Services